

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

John H. Benge, Jr.,)
Petitioner)
v.) Civil Action No. 05-0550(GMS)
Rick Kearney, Warden)
Sussex Correctional)
Institution And)
Carl C. Danberg, Esq.,)
Attorney General Of The)
State of Delaware,)
Respondents)



BD scanned

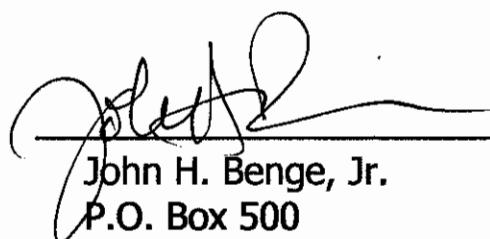
**RULE 25(d)(1) MOTION FOR SUBSTITUTION OF
PARTY RESPONDENT AND TO AMEND CAPTION**

COMES NOW, John H. Benge, Jr. ("Petitioner"), *pro se*, and
pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure,
moves for substitution of Michael DeLoy, Warden, Sussex
Correctional Institution, as a party respondent in the above-captioned
action in the place and stead of Rick Kearney and to amend the
caption to henceforth read as follows:

John H. Benge, Jr.,)
Petitioner)
v.) Civil Action No. 05-0550(GMS)
Mike DeLoy, Warden)
Sussex Correctional)
Institution And)
Joseph R. Biden, III Esq.,)
Attorney General Of The)
State of Delaware,)
Respondents)

The grounds for this motion are that as of May 10, 2007, Michael DeLoy has succeeded Rick Kearney as Warden of Sussex Correctional Institution and an order of substitution of party is therefore appropriate and the better practice under Rule 25 (d)(1).

MAY 10
Date: ~~March 2~~, 2007.



John H. Benge, Jr.
P.O. Box 500
Georgetown, DE 19947

CERTIFICATE OF SERVICE

The undersigned hereby certifies that two copies of the attached motion were served on May 10, 2007 by depositing the same in the prisoner mail dropbox at Sussex Correctional Institution, first class mail, postage prepaid and addressed to:

Thomas E. Brown, Esq.
Department of Justice
820 North French Street
Wilmington, DE 19801

I hereby certify under penalty of the laws of the United States of America that the foregoing is true and correct.

Executed on May 10, 2007

A handwritten signature in black ink, appearing to read "Thomas E. Brown", is written over a horizontal line.

LM: J. Benge BLDG Northwest
SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 500
GEORGETOWN, DELAWARE 19947

NSD
150

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
844 NORTH KING STREET LOCKBOX 18
WILMINGTON DE
19801-3570